

# HOUSE BILL REPORT

## HB 1735

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**As Reported by House Committee On:**  
Economic Development, Agriculture & Trade

**Title:** An act relating to exempting limited water storage facilities from permit requirements.

**Brief Description:** Exempting limited water storage facilities from permit requirements.

**Sponsors:** Representatives Hunt, Buck, Williams, Linville, Kenney, Walsh, Wallace, B. Sullivan, Dickerson, McCoy, Chase, Simpson and Roach.

**Brief History:**

**Committee Activity:**

Economic Development, Agriculture & Trade: 2/23/05, 3/2/05 [DPS].

**Brief Summary of Substitute Bill**

- Exempts certain rain barrels and similar facilities and the use of water from them from the permit provisions of the water code.
- Requires the Department of Ecology to consult with local building permit agencies regarding installation of very large capacity rainwater systems.

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**HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Blake, Chase, Clibborn, Grant, Kenney, Kilmer, McCoy, Morrell, P. Sullivan and Wallace.

**Minority Report:** Do not pass. Signed by 10 members: Representatives Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buri, Dunn, Haler, Holmquist, Kretz, Newhouse, Quall and Strow.

**Staff:** Caroleen Dineen (786-7156).

**Background:**

With certain exceptions, new rights to use surface or ground water must be established according to the water right permit system. The water code requires reservoir permits for both surface reservoirs for water and for the storage of water in an underground formation for subsequent use as part of an underground artificial storage and recovery project. A water right permit, called a "secondary" permit, is also required for the use of the water stored in a surface reservoir.

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**Summary of Substitute Bill:**

A reservoir permit is not required for certain rain barrels, cisterns, or other similar facilities for capturing runoff from roofs, paved areas, and other hard surfaces on a single residential, commercial, or industrial property or public facility. This exemption applies if the total amount of water storage does not exceed 5,000 gallons and the water stored is intended to be put to beneficial use on the property where the rainwater is collected. Neither a water right nor a right in the form of a secondary permit is required for the use of the water stored in an exempt facility.

The Department of Ecology (DOE) must consult with local building permit agencies to monitor installation of very large capacity rainwater collection systems for any cumulative effect the systems may have on ground water recharge rates and potential impacts upon well users from the same ground water source.

**Substitute Bill Compared to Original Bill:**

The substitute reduces the exemption amount from 10,000 gallons to 5,000 gallons.

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**Appropriation:** None.**Fiscal Note:** Not requested.**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.**Testimony For:** (In support of original bill) This bill clarifies that someone who captures rainwater for home or small business use does not have to go through the permit process. This bill is intended to focus on small projects and residential uses, not large industrial or commercial uses.

The bill should include a 35,000 gallon limit to reflect the average family's use of 40,000 gallons per year.

(With concerns on original bill) Rainwater harvesting and reuse is a good management tool that should be promoted. The exemption amount in this bill constrains existing rainwater harvesting applications in large commercial buildings. The bill should not include a specific limit on the size of these facilities. This bill also does not address agricultural applications. The issue needs to be addressed, but this bill is not the right solution.

This bill would allow 200 rain barrels. Large capacity systems should not be left in the control of local building permit agencies. Opportunities exist for tying rainwater harvesting to green building concepts, but the process and the impacts must be considered.

**Testimony Against:** (Opposed to original bill) The bill would cause the DOE to not have regulatory authority in situations in which hydraulic continuity exists between rainfall and groundwater recharge. The protection of federal reserved rights needs to be ensured.

**Persons Testifying:** (In support of original bill) Representative Hunt, prime sponsor; and Rose Feliciano, City of Seattle.

(With concerns on original bill) Kathleen Collins, Washington Water Policy Alliance; and Josh Baldi, Washington Environmental Council.

(Opposed to original bill) Dawn Vyvyan, Yakama Nation and Puyallup Tribe.

**Persons Signed In To Testify But Not Testifying:** None.